

**REMARKS/ARGUMENTS**

Reconsideration and allowance of this application are respectfully requested. Currently, claims 1-43 are pending in this application.

**Information Disclosure Statement (IDS):**

An Information Disclosure Statement (IDS) was filed on February 18, 2005. A copy of the Form PTO-1449 of that IDS is attached hereto for the Examiner's convenience. Applicant again respectfully requests that the Form PTO-1449 be fully initialed as an indication that the cited documents have been considered, and then returned to the undersigned.

**Election/Restriction:**

If the Examiner would like to discuss the election/restriction or any other issue pertaining to this application, the Examiner is invited to telephone the undersigned.

Page 2, lines 3-6 of the Office Action states "This application contains claims directed to the following patentably distinct species of the claimed invention: a game synchronization method between a plurality of networked game machines as shown Fig. 12, selecting music data in response to game synchronization between a plurality of game machines as shown in Fig. 13."

Applicant hereby confirms its previously election of Fig. 12. However, the Office Action's allegation that "Currently, no claims are generic" is erroneous. For example, withdrawn claim 7 depends from claim 1. Even if claim 7 were held

to be directed to the non-elected invention of Fig. 13, claim 7 should be rejoined upon the allowance of base claim 1. Claims 15 and 28-37 should also be rejoined upon the allowance of a generic claim.

Applicant submits that all pending claims are directed to the elected invention of Fig. 12. All pending claims are also directed to the non-elected invention of Fig. 13. That is, none of the claims are specifically directed to the unison evaluation process of Fig. 12 as opposed to the unison evaluation process of Fig. 13 or vice versa.

Page 19, lines 10-11 of the specification states "FIGS. 12 and 13 are other flowcharts of the unison evaluation process carried out in step S314 of FIG. 3." As described on page 23, lines 3-5 of the specification, Fig. 3 (including step S314) describes a basic game process carried out by game machines 1 which form a band. Moreover, page 25, lines 5-12 of the specification states the following:

"Once the music ends, the main game machine 1 collects operation data recorded in step S312 from the sub game machine 1, and under a predetermined technique, applies a unison evaluation process thereto including its own operation data (step S314).

In the above example of FIG. 3, the unison evaluation process is applied after the music play is completed (emphasis added)."

The specification therefore makes explicitly clear that unison evaluation process performed by Fig. 12 or Fig. 13 is applicable to the process illustrated in

Fig. 3 in which music is played. Accordingly, any allegation in the Office Action that only Fig. 13 (and not Fig. 12) is directed to music play is clearly erroneous.

The differences between the unison evaluation processes of Figs. 12 and 13 are exemplified by the following statement in paragraph [0046] describing the unison evaluation process of Fig. 13 (as opposed to the unison evaluation process of Fig. 12):

“Alternatively, out of the unison evaluation process carried out by the main game machine 1, a part relating to the correlation evaluation process may be carried out in a server, in which the game results are collectively controlled, and the result may be disclosed to the third party. FIG. 13 is a flowchart of the unison evaluation process in such a case.”

No pending claim is specifically directed toward the unison evaluation process of Fig. 12 but not the unison evaluation process of Fig. 13 (or vice versa). While there are differences between the unison evaluation processes of Figs. 12 and 13 (as described in paragraph [0046]), none of the pending claims specifically embrace these differences so as to be directed to one of the embodiments but not the other. Accordingly, Applicant respectfully requests consideration of all pending claims.

**Rejection Under 35 U.S.C. §103:**

Claims 1-6, 8-14, 16-27 and 38-43 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Sonoda (U.S. ‘850) in view of Metke et al (U.S. ‘668, hereinafter “Metke”). Applicant respectfully traverses this rejection.

In order to establish a *prima facie* case of obviousness, all of the claim limitations must be taught or suggested by the prior art. The combination of Sonoda and Metke fails to teach or suggest all of the claim limitations. For example, the combination fails to teach or suggest “having, in response when the game is synchronously started, said display display information about the operation timings of said operation switches to be operated by the player based on said operation timing data (emphasis added),” as required by independent claim 1 and its dependents. Independent claims 13-14 and 26 and their respective dependents require a similar (but not necessarily identical) feature.

Sonoda discloses a system of setting up competitive video game fights between different ones of a plurality of different video game units (1GL,1GR...4GL, 4GR). The plurality of videogame units in Sonoda are connected in a ring configuration. When a player operating a particular video game unit is willing to accept a challenge for a competitive game, that video game unit will provide “competitive game desired” status data in a specific position within packet data. Other video game units can identify and receive this status data based on its position within a received data packet. This status information will be displayed on the display screen of the other videogame units (see Fig. 6). For example, the status information of 2GL (21), 3GL (22) and 3GR (23) is shown in the display screen of another videogame unit in Fig. 6. A user may initiate

processing to set up a competitive videogame fight by selecting a region (21-22) with a cursor.

Page 4 of the Office Action admits “Sonda (sic - Sonoda) lacks in disclosing all of the specific timing data.” Applicant agrees with the Office Action’s admission that Sonoda lacks “all of the specific timing data.” In particular, the display screens of Figs. 2A-2B show a fighting scene involving two characters. These screens display no information regarding the operation timings of switches to be operated by the player. There is no timing information for example shown in Figs. 2A-2B informing the player when to operate a switch or button to control the videogame character to kick, punch, use a weapon, etc.

The “Response to Arguments” section (pages 5-6) of the Office Action apparently alleges that Metke discloses the above noted limitation of claim 1. In particular, the Examiner alleges that “all of the specific timing data” is disclosed in columns 1-9 -- a fairly wide range.

The “Response to Arguments” section (pages 5-6) of the Office Action also alleges that col. 8 lines 52-63 and/or col. 17, lines 27-64 of Metke discloses the above noted limitation.

Col. 8, lines 52-63 of Metke states the following:

This is in contrast, for example, to a single or standalone game unit wherein the controller looks at all of the player input and determines the next state. Here, the next state cannot be fully determined until the input from all of the players in the multi-system game have been received. In the embodiment illustrated,

the software for carrying out the state sync method is resident in the CPU or other central control unit of each individual game unit. That is, each game unit to be linked by the network of the invention is equipped with appropriate networking hardware and software both for linking through the routers 18 to the network and for carrying out the state sync method as described above (emphasis added).

This portion of Metke merely discloses generating a next game state (which will presumably be later displayed) based on all of the players' input. But merely generating and displaying the next screen of game play based on the past users' inputs does not display information about the operation timings of said operation switches to be operated by the player based on said operation timing data. Again, claim 1 requires, *inter alia*, "having, in response when the game is synchronously started, said display display about the operation timings of said operation switches to be operated by the player based on said operation timing data."

Col. 17, lines 27-64 of Metke states the following:

"Referring to FIG. 12a, at the top right hand corner, competition requests are transmitted by a game unit every second. At reference numeral 1201, if the promotion criteria are met, state is created, bandwidth reserved, and the player promoted. The competition states are initially idle in the example of FIG. 12, until competition requests are received. A game unit will initially send a competition request without specifying a requested world to locate information regarding pending competitions. A COMP status message is returned until the player selects a world, as indicated at 1202. At this point, the competition state is pending. That is, upon receipt of a first COMP request with a selected world, a competition is created, and the state is changed to pending, however, a COMP status message is still returned.

At reference numeral 1203, a second player at another game unit joins the competition in the same world selected by the first player. The competition now enters the staging state wherein a stage-wait timer is initialized and a COMP setup message is returned to all games in the competition. At this state, each competition request is responded to with a COMP setup message. Once each BWM or the stage-wait timing expires, the state is changed to closed, a close-wait timer is initialized and a COMP\_CLOSE message is returned to all games in the competition. At this point, each new competition request will be responded to with a COMP\_CLOSE message. BWM\_ADJUST will take place after closing the competition. The competition state is now active, after the close-wait timer expires. Reference numeral 1204 indicates a broken connection wherein the message is lost, and the game unit retransmits a competition request.

Referring to FIG. 13, at 1301, access rights are granted to a player and the player is passed to a USBWM. At 1302, the USBWM tracks promotions and passes a COMP\_OVER message to the next level. At reference numeral 1303 the CompServer initiates the COMP\_OVER acknowledgement once the data is stable. At 1304, competition teardowns cascade back through all promotion levels to ensure proper cleanup.”

It appears that the Office Action alleges that the timing associated with setting-up (coordinating) a competition between game units is actual gameplay. However, claim 1 requires “...in response when the game is synchronously started, said display display information about the operation timings of said operation switches to be operated by the player based on said operation timing data.” Setting up and coordinating a competition does not disclose the actual competition itself. Moreover, if this coordination in timing in Metke discloses the operation timings as alleged by the Office Action, it is unknown how this could be

used to modify Sonoda's fighting or how this is consistent with the Office Action's allegation that Sonoda correlates the stored timing data. (See below).

Independent claim 1 further requires a "prompt information storage section for storing operation timing data defining an operation timing of said operation switches to be operated by the player." Independent claims 13, 14, 26, 27 and 40 require similar, but not necessarily identical features. Through these features and corresponding display of information about operation timings of operating switches to be operated by the player, a player may be instructed as to when (an operation timing) a user should operate at least one of the operation switches. The Sonoda/Metke combination fails to teach or suggest these limitations. In Sonoda and Metke, an operation timing itself is not instructed to the player.

Independent claim 1 further requires "correlation evaluation section for evaluating correlation in terms of game operation with said other game machines based on the data stored in said first operation timing storage section and said second operation timing storage section." All other independent claims require a correlation evaluation of some sort. This feature of claim 1 relates to evaluating the correlation of operation timings in a game among a plurality of players. The "Response to Arguments" section (page 6) of the Office Action alleges that col. 10, lines 6-40 of Sonoda discloses this further limitation. Col. 10, lines 6-40 of Sonoda states the following (emphasis added):



“Here, in a competitive game, the characters (fighters) that generally appear in competition each have initially assigned parameters. For instance, during the course of a game, if one character performs a prescribed action (for example, firing a gun, etc.) with respect to the opponent character, and the timing matches prescribed conditions, then the parameter value of the former character is increased, whilst the parameter value of the opponent character is reduced.

Thereby, when the previously set game conditions (game time, set number of games, etc.) have been completed, the outcome of the game is determined on the basis of the parameter values at the end of the game. In this embodiment, a program for determining the outcome is executed in the video game unit on the game master side (step S39).

At the game master, in executing this program for determining the outcome, decision data based on this determination of the outcome is created (step S40), whereupon the decision data is transferred to the game slave side (step S41).

Therefore, on the game slave side and the game master side, the parameter values relating to the competition results for the character operated at that video game unit are changed and stored in the SRAM 103 (see FIG. 4) (steps S42, 43). The subsequent game is conducted on the basis of this stored data. Thereupon, the respective decision results are displayed at the game slave unit and the game master unit, and ‘game over’ is displayed.

The foregoing description related solely to one-against-one player games, but the present invention is not limited to this application. In other words, as described previously, a game can also be conducted by exchanging data in one-against-several player or several-against-several player situations. In this case also, data can be transmitted and received between the game units forming a configuration by means of the packet addresses.”

In the above portion of Sonoda, there is no teaching of evaluating correlation in terms of game operation with said other game machines based on

first and second stored operation timing data as required by claim 1. Indeed, there is no need to evaluate correlation between one character and its opponent character since there characters are fighting one another rather than cooperating or participating as a team. There is certainly no teaching or suggestion of evaluating the correlation based on the timing data of the respective opposing characters.

Sonoda's fighting videogame characters are in direct competition with each other. There is no team work or cooperation whatsoever and thus there is no need to evaluate correlation of game operation, let alone evaluate correlation of game operation based on operation timings. Metke fails to disclose this further limitation. Accordingly, even if Sonoda and Metke were combined as proposed by the Office Action, the proposed combination would fail to teach or suggest this claim limitation.

Claim 2 (now rewritten in independent form) further requires "independent evaluation section for evaluating whether the timing based on the data stored in said first operation timing storage section is in a predetermined range from the timing based on said operation timing data." Similar comments apply to dependent claim 16. In contrast, Sonoda discloses a competitive videogame and Metke discloses a system for networking videogames together. The combination of Sonoda and Metke therefore fails to disclose displaying operation timing data based on stored operation timing data, and evaluating whether the timing at which

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the user operates the operation switches coincides with the instructed operation timing.

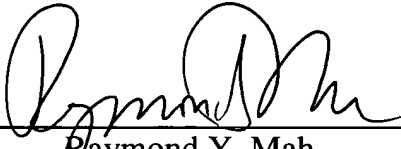
**Conclusion:**

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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